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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,682

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Giancarlo Caputi

4916

7590

03/14/2005

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EXAMINER

LUEBKE, RENEE S

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/689,682	Applicant(s) CAPUTI	
	Examiner Renee S. Luebke	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☒ Claim(s) 1,3,4,7,10-13 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) ( <del>PTO-1449</del> or <del>PTO/CB/08</del> )<br>Paper No(s)/Mail Date <u>2 papers</u> . | 6) <input type="checkbox"/> Other: _____                                                |

1. The examiner has included initialed copies of a list of references and the only IDS found in the course of prosecuting this application. The references listed on these papers are now on the record as having been considered. If applicant intended to have other references made of record, applicant is kindly requested to supply the patent (or document) numbers.

2. The drawings submitted January 19, 2005 are acceptable for examination purposes. They are, however, informal drawings. It is noted, for example that the lines are sketchy and have not transmitted well via facsimile. As allowable subject matter is identified in this Office action, formal drawings are now required.

3. The drawings are also objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the length adjusting apparatus of claims 10-13 must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The amended abstract is appreciated. However, at the beginning, the examiner has deleted "The invention consists in" since an abstract should

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avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure describes," etc. The abstract now begins "A new carrying system for objects . . ."

5. Applicant's amended disclosure is appreciated. However, it remains objected to because:

- The *Brief Description* of figs 2 and 4 appears to be reversed.
- Fig. 3 should be separately described in the *Brief Description* between Fig. 2 and Fig. 4.
- In the *Brief Description* of Fig. 7, "alternatively" should apparently be changed to -alternative-.
- The separate listing of reference numerals and letters (pages 6-7) is not necessary and should be deleted. Each of these references should be included in the *Detailed Description of the Invention*.
- The use of "scopes" on line 30 of page 8 is unclear. Used in this manner, it appears to refer to a telescope and similar devices (which have not been previously mentioned in the prosecution of this application). If applicant intends to suggest that items of different scope can be carried, it is suggested that this phrase be changed to -for carrying a variety of items-.
- The meaning of "cross-wise transportation" on line 31 of page 8 is unclear.
- The *Detailed Description* should include all of the features that are present in the claims. In particular, the length adjusting apparatus of claims 10-13 is not found in the specification.

Appropriate corrections are required.

6. Claims 1, 3, 4, 7, 10-17 and 19 are objected to because of the following informalities:

- a. On line 5 of claim 1, a comma should be added after "end".

b. On line 8 of claim 1, it is suggested that “a same items” be -a single item- to reflect the embodiments shown in the figures and to improve the clarity of the claim.

c. Section *b)* of claim 1 is still unclear. If the examiner correctly interprets applicants intent, changing “only at said two ends of said strap” to -at each of the two ends of the strap- would clarify this section.

d. On line 15 of claim 1, both occurrences of “items” should be changed to -item- in order to be consistent with the earlier part of the claim. This change does not prevent the claim from protecting a device that carries a plurality of items and, in fact, allows applicant to add additional items to the claim(s) at a later point.

e. On line 20 of claim 1, -are- should be added after “hooks” and “scopes” should apparently be changed to -uses-.

f. Claim 3 has apparently been correctly changed to be dependent upon claim 1. this is, however, unclear since striking through a single digit is difficult to detect. The rules suggest that in such a situation the small amount of text to be deleted be bracketed by a double bracket ( i.e. 1 [[2]]) to change the dependency. In addition, it is suggested that applicant consider adopting a larger font size, to allow for the less-than-perfect facsimile systems.

g. On line 5 of claim 3, “another of the” should be changed to -the other- as these hooks have now been introduced in claim 1.

h. On line 8 of claim 3, “items” should probably be changed to -item-.

i. In claim 7, “shoulder strap” on lines 3 and 4 should be -strap- in order to be consistent with claim 1 from which this depends.

j. Regarding claim 14, the phrase “particularly useful” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. It is suggested that this phrase be deleted.

k. On line 7 of claim 14, a comma should be added after “end”.

l. On line 10 of claim 14, it is suggested that "a same item" be changed to -a single item- to reflect the embodiments shown in the figures and to improve the clarity of the claim.

m. It is suggested that "respectively only" be deleted from line 11 of claim 14 as its meaning is unclear.

n. The last section of claim 14 is unclear. The following changes are suggested:

d) two hooks, each located at the second end of each of said two connector means, ~~connected to a hook~~ whereby items to be carried are hooked in at two points and are prevented from dangling.

In addition, it is noted that "dangling" is apparently not the intended term. The meaning of "dangle" is essentially the same as "hang" and the items carried by the present invention do hang and cannot be prevented from hanging or dangling by any structure of the present invention.

o. Applicant is reminded that a period must be placed at the end of each claim.

p. The second section (lines 4-6) of claim 15 is unclear. The entire section may be deleted. Alternatively, the following changes are suggested:

whereby each of said two hooks can connect ~~thus to~~ to one of said endings, ~~thus a point of a carried item;~~ whereby said lower element can be held held by a user for ~~[[a]] more comfortable transportation support.~~

q. In claims 16 and 17, "shoulder strap" on lines 3 and 4 should be changed to -strap- in order to be consistent with claim 14 from which these depend.

r. The terminology of claim 19 is inconsistent with claim 18 from which it depends. If applicant would like to introduce a second shoulder strap, it is suggested that -first- be added before "carrier" on line 3 of claim 18 and claim 19 be amended as follows:

19. (currently amended) The shoulder strap carrying system of claim 18 further comprising a second identical ~~one-shoulder~~ one shoulder carrier strap and at least

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one upper transversal element member for connection of the shoulder first carrier strap of said shoulder carrier to the shoulder strap of said second shoulder carrier to the second carrier strap.

s. New claims when they are first introduced, such as claim 14, should not contain any underlining or other such marking.

t. Applicant is again requested to carefully proofread the claims (and specification) and to remove any additional typographic or grammar errors.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 14 and 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (German document 3443828) in view of McClintock. The carrying system of Roth comprises a shoulder carrier consisting of rectangular strap 5 with two ends 5.1, 5.2; first securing means 3, 4 at the ends of the strap; and two elongated flexible connector means 2.1, 2.2 with first ends engaging the first securing means. It lacks two hooks. However, the carrying device of McClintock teaches the use of separate hooks on each of the elongated flexible connector means. This arrangement allows more variety in the types and amounts of items that can be carried. For the same reason, it would have been obvious to replace the single hook of Roth with a hook on each elongated connector means as taught by McClintock.

In regard to claim 15, it is noted that McClintock further comprises a lower transversal element C having ring shaped elements (to which the hooks 30 attach.

9. Claims 16 and 17, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by McClintock. The carrying system of McClintock comprises a shoulder carrier consisting of first and second generally rectangular straps (portions 34), one over each shoulder, with two

ends (adjacent rings 22 and 36); first securing means 22, 36; two elongated flexible connector means 24 with first ends engaging the first securing means; hooks 30 at the second end of the connector means; and a transversal element (across the users back) for connecting the two straps.

In regard to claim 17, as an alternative, McClintock teaches the inclusion of a lower transversal element C.

10. Claim 18 is allowed.

Claims 1, 3, 4, 7, 10-13 and 19 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

11. The following notes from MPEP 714 should help applicant in preparing proper claim amendments:

"The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. **Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously presented), (canceled), (withdrawn), (new), or (not entered).** The text of all pending claims under examination and withdrawn claims must be submitted each time any claim is amended. Canceled and not entered claims must be listed by only the claim number and status, without presenting the text of the claims."

"All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by strike-through (for deleted matter) or underlining (for added matter) **with 2 exceptions:** (1) for deletion of five or fewer consecutive characters, double brackets may be used (e.g., [[error]]); (2) **if strike-through cannot be easily perceived (e.g., deletion of number "4" or certain punctuation marks), double brackets must be used** (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted."

12. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. It is suggested that responses to this final action be faxed to:  
(703) 872-9306

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

Alternatively, responses may be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (571) 272-2009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke  
Primary Patent Examiner  
March 2, 2005